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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,174	10/30/2003	Howard Shelton Lambert	GB920020091US1	2506
35525 7590 12/18/2008				
IBM CORP (YA)				
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EXAMINER				
ARMOUNCHE, HADI S				
ART UNIT		PAPER NUMBER		
2432				
NOTIFICATION DATE		DELIVERY MODE		
12/18/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptonotifs@yeciipaw.com

### Office Action Summary

**Application No.**

10/698,174

**Applicant(s)**

LAMBERT ET AL.

**Examiner**

HADI ARMOUCHE

**Art Unit**

2432

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,4,5,7,8,11-13,15 and 17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4,5,7,8,11-13,15 and 17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This communication is in response to applicant's amendment filed on 10/16/2008. Claims 1, 11 and 12 have been amended. Claims 1, 4-5, 7-8, 11-13, 15 and 17 remain pending.

#### ***Response to Arguments***

2. Applicant's arguments filed on 10/16/2008 with respect to claims 1, 12 and 13 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Objections***

3. Claim 11 is objected to because of the following informalities: the last limitation states: "*wherein the stored data is capable of access by more than one user, wherein the data processing system includes a corresponding additional user specific table for each additional user specific table for each additional user of more than one user, and wherein the system further comprises accessing a data structure comprising user data associated with each user of more than one users that references a table location of the user specific table associated with a given user.*" Claim 11 is a method claim and not a system claim unlike claim 1. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1,4-5,7-8 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lambert et al. (US 6,282,649) referred to hereinafter by Lambert in view of Holvey et al. (US 2004/0054935) referred to hereinafter by Holvey.

6. Regarding claim 1, Lambert discloses *a data processing system for controlling access of at least one user to stored data* [abstract and col 2 lines 2-3], *the data processing system comprising:*

*means, responsive to a request from the user to access a set of the stored data that is available to the at least one user, for authenticating the user, wherein the request is initiated by presentation of a token by the user* [col 2 lines 11-13 and 29-31];

*means, responsive to successful authentication, for decrypting an encrypted user specific table (stored data or services) associated with the user, and wherein the token comprises the means for authenticating the user and the means for decrypting the user specific table* [col 2 lines 26-36 and col 4 lines 7-10 wherein the user enters the user key in the form of a token along with personal data such as PIN. Upon verification, the data is decrypted and another key (access key) is generated from the user key to decrypt other data or applications that are stored in an encrypted form] ; *and*

*means, responsive to successful decryption, for accessing the set, wherein the set is encrypted* [col 2 lines 26-28];

*wherein the stored data is capable of access by more than one user, wherein the data processing system includes a corresponding additional user specific table for each additional user specific table for each additional user of more than one user, and wherein the system further comprises accessing a data structure comprising user data*

*associated with each user of more than one users [col 2 lines 51-65, col 5 lines 8-18 and figure 3].*

Lambert teaches using a user key to authenticate a user and access a data and generate an access key from the user key to access/decrypt another data/application. However, Lambert does not explicitly teach that the first data is a user specific table wherein *the user specific table identifies the set, and the user specific table comprises:*

*first data associated with decryption of the set, wherein the first data is decrypted by the means for decrypting and*

*second data associated with location of the set, wherein the second data is decrypted by the means for decrypting, and wherein the means for accessing the set uses the first data to decrypt the set and the second data to locate the set;*

Holvey teaches that *the user specific table* (patient database) *identifies the set* (patient table) [paragraph 0023], *and the user specific table comprises first data* (patient information) [paragraphs 0023-0024, table 1] and *second data associated with location of the set* [paragraph 0032 and figure 4 elements 430,428,432,434].

At the time of the invention was made, it would have been obvious to an ordinary skill in the art to combine Holvey's table in Lambert's system. The motivation/suggestion is to maintain confidentiality of the users'/patients' information [Holvey, abstract].

7. The method of claims 11 and the medium of claim 12 have the same limitations as claim 1 and hence same rejection rational is applied.
8. Regarding claim 4, Holvey discloses *a set comprising all of the stored data* ([0023] complete set of rights).
9. Regarding claim 5, Holvey discloses *a set comprising portion of the stored data* ([0023] limited rights).
10. Regarding claim 7, Lambert discloses *a token comprising means associated with an identity of the user* (col 3 lines 4-10).
11. Regarding claim 8, Lambert discloses *a means associated with the identity of the user derived from one or more biometric characteristics associated with the user* (col 3 lines 4-10).
12. Claims 13,15, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Lambert and Holvey as applied to claims 1, 12 and 13 above, and further in view of Mita et al., (U.S 2002/0035485) referred to hereinafter by Mita
13. Regarding claims 13, 15 and 17, Holvey discloses additional user specific tables for each additional user ([0007] patient database, i.e., collection of patient tables).

Mita discloses means for attempting to decrypt, in turn, each of the user specific tables until a successful decryption occurs ([0042] sequential search).

As one of ordinary skill in the art at the time of the invention would know, sequential searching has been well-known since long before the invention. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to

modify Lambert and Holvey's system by sequential searching as taught by Mita in order to access stored personal including medical data (see Mita, Title).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HADI ARMOUCHE whose telephone number is (571)270-3618. The examiner can normally be reached on M-Th 7:30-5:00 and Fridays half day.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/H. A./  
HADI ARMOUCHE  
Examiner, Art Unit 2432  
12/15/2008

/Gilberto Barron Jr/  
Supervisory Patent Examiner, Art Unit 2432